

Before the
Federal Communications Commission

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In re Applications of)	MM DOCKET NO. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORPORATION)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
OHIO RADIO ASSOCIATES, INC.)	File No. BPH-911231MC
)	
For a Construction Permit for)	
a New FM Station on Channel)	
280A at Westerville, Ohio)	

RECEIVED

AUG 11 1994

To: The Review Board

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR LEAVE TO AMEND AND AMENDMENT

David A. Ringer ("Ringer"), by and through counsel, and pursuant to §1.65 of the Commission's Rules (47 C.F.R. §1.65, hereby submits a "Petition For Leave To Amend and Amendment." In support whereof, the following is shown:

1. As outlined in the attached amendment, on April 11, 1994, Mr. Ringer filed an application for a new FM station at Athens, Ohio (File No. BPH-940411ME). This application is pending as are the mutually-exclusive applications of Lakeside Broadcasting, Inc. (File No. BPH-940411MG), William E. Benns, IV (File No. BPH-940411MC) and Esquire Communications (File No. BPH-940411MB).

2. This amendment is being filed for informational purposes pursuant to §1.65 of the rules. While §1.65 requires that changes in information contained in an

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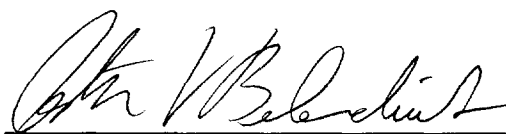
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application be reported within 30 days, good cause exists nevertheless for the acceptance of this amendment. As Mr. Ringer explains in the Declaration attached to this Amendment,¹ the filing of his Athens, Ohio, application was inadvertently not reported earlier in this proceeding. As soon as this oversight was brought to his attention, Mr. Ringer immediately prepared and filed this amendment. As Mr. Ringer has demonstrated in his "Opposition To Motion For Leave to File Supplement" filed simultaneously with this amendment, his pending Athens application is not an ownership interest which would presently require a divestiture pledge and his proposal to build and operate a second FM station would have no effect on his financial qualifications in this proceeding. The filing of an application for another broadcast facility is, therefore, not decisionally significant in this case since it would have no effect on Mr. Ringer's basic qualifications or comparative posture. Therefore, there will be no prejudice to the other parties in this proceeding if this late-filed amendment is accepted.

WHEREFORE, the above-premises considered, David A. Ringer respectfully requests that his attached amendment be **ACCEPTED** for informational purposes.

¹ The original of this Declaration is being submitted as an exhibit to an "Opposition To Motion For Leave To File Supplement" being filed simultaneously this day by Mr. Ringer.

DAVID A. RINGER

By: 
Arthur V. Belendiuk
Shaun A. Maher

His Attorneys

SMITHWICK & BELENDIUK, P.C.
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Washington, D.C. 20006
(202) 785-2800

August 11, 1994

Westervil/0811.amd

EXHIBIT A

Before the
Federal Communications Commission

Washington, D.C. 20554

In re Application of)	
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
For a Construction Permit for)	
a New FM Station on Channel)	
280A at Westerville, Ohio)	

AMENDMENT

My above-referenced application for new FM station at Westerville, Ohio, is amended to report that, on April 11, 1994, I filed an application for new FM station at Athens, Ohio (File No. BPH-940411ME). This application is pending.

Executed this 10 day of August, 1994.

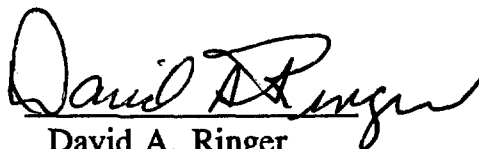
DAVID A. RINGER

By: David A. Ringer
David A. Ringer

DECLARATION

David A. Ringer, under penalty of perjury, declares as follows:

1. I am an individual applicant for a new FM station at Westerville, Ohio.
2. On April 11, 1994, I filed an application for a new FM Station at Athens, Ohio (File No. BPH-940411ME). The application is mutually exclusive with other applications and is currently pending before the FCC.
3. Should I receive a construction permit for both the Westerville and Athens facilities, I have sufficient net liquid assets to build and operate both stations for three months without revenue. My budget for Westerville is presently \$430,224. My budget for Athens is presently \$352,520. I intend to rely on my own personal assets to fund the \$782,744 that I would need for these construction projects.
4. Attached is my Financial Statement dated April 30, 1993, which I have previously made available in the Westerville proceeding. See Attachment A. There have been no substantial changes to this Financial Statement since April, 1993. As this Statement shows, I have net liquid assets in excess of the budgets for both stations. My marketable securities (\$663,514) and Certificates of Deposits (\$250,000) alone would supply sufficient financing for both station construction budgets.
5. While I disclosed the existence of my Westerville filing in my Athens, Ohio, application, the Athens, Ohio application was inadvertently not reported in the Westerville proceeding. I am submitting an amendment to my Westerville, Ohio, application to correct this oversight.



David A. Ringer
Individual

Aug 10, 1994
Date

CERTIFICATE OF SERVICE

I, Dale Harris, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 11th day of August 1994, copies of the foregoing were mailed via first class mail, postage pre-paid, to the following:

The Review Board (*)
Federal Communications Commission
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Washington, DC 20554

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(*): By Hand Delivery


Dale Harris